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PART IV

Section 1-A.

CENTRAL BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. L.D. 1374—Legis. 3-52-10, Bangalore, dated 20th November 1952.

Ordered that the Mysore High Court (Extension of Jurisdiction to Coorg) Bill, 1952 and the Sugar (Temporary Additional Excise Duty) Bill, 1952 (Central Bills No. 97 and 105 of 1952), introduced in the House of the People on 5th November 1952, published in the *Gazette of India*, Part II, Section 2, dated the 8th November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

HOUSE OF THE PEOPLE.

BILL NO. 97 OF 1952.

A Bill to extend the jurisdiction of the High Court of Mysore to the State of Coorg and to provide for matters connected therewith.

BE it enacted by Parliament as follows :—

1. Short title and commencement.—(*1*) This Act may be called the Mysore High Court (Extension of Jurisdiction to Coorg) Act, 1952.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act,—

(*a*) "appointed day" means the date appointed under sub-section (*2*) of section 1 for the coming into force of this Act;

(*b*) "Coorg Order" means the Madras High Court (Extension of Jurisdiction to Coorg) Order, 1948, made by the Governor-General of the 28th day of February, 1948;

(*c*) "proceeding in relation to Coorg" means any appeal or other proceeding from, or in respect of any judgment, decree or order of any court or tribunal within the State of Coorg.

3. Extension of jurisdiction of Mysore High Court to, and exclusion of the jurisdiction of Madras High Court from, Coorg.—Save as otherwise expressly provided in any other enactment, as from the appointed day,—

(*a*) the jurisdiction of the High Court of Mysore shall extend to the whole of the State of Coorg; and

(*b*) the jurisdiction of the High Court at Madras to entertain, or dispose of, any proceeding in relation to Coorg, whether such jurisdiction is exercisable by virtue of the Coorg Order or of any enactment specified in the Schedule, shall cease.

4. Transfer of pending proceedings to Mysore High Court.—Save as otherwise expressly provided in any other enactment, all proceedings in relation to Coorg pending in the High Court at Madras immediately before the appointed day shall by virtue of this Act stand transferred to the High Court of Mysore and shall be disposed of by it in exercise of the jurisdiction conferred on it by this Act.

5. Effect of orders of Madras High Court.—Any decree or order in any proceeding in relation to Coorg made before the appointed day by the High Court at Madras shall, for all purposes have effect, not only as an order of that court, but also as if it were an order made by the High Court of Mysore in the exercise of the jurisdiction conferred on it by this Act.

6. Amendment of certain enactments.—The enactments specified in the Schedule shall be amended in the manner specified therein.

7. Coorg Order to cease to have effect.—As from the appointed day, the Coorg Order shall cease to have effect.

THE SCHEDULE.

(*See* Section 6).

1. The Indian Divorce Act, 1869 (IV of 1869).	In sub-clause (*e*) of clause (*1*) of section 3, for the words "the High Court at Madras" the words "the High Court of Mysore" shall be substituted.
2. The Indian Stamp Act, 1899 (II of 1899).	In clause (*e*) sub-section (*1*) of section 57, for the words "the High Court at Madras" the words "the High Court of Mysore" shall be substituted.
3. The Indian Patents and Designs Act, 1911 (II of 1911).	In sub-clause (*e*) of clause (*7*) of section 2, for the words "the High Court at Madras" the words "the High Court of Mysore" shall be substituted.

4. The Official Trustees Act, 1913 (II of 1913).	In sub-clause (*e*) of clause (*2*) of section 2, for the words "the High Court at Madras" the words the "the High Court of Mysore" shall be substituted.
5. The Administrator General's Act, 1913 (III of 1913).	In sub-clause (*e*) of clause (*12*) of section 2, for the words "the High Court at Madras" the words "the High Court of Mysore" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

Prior to 1948, the judicial needs of the Province of Coorg were served by the Court of the Judicial Commissioner, Coorg. In 1948, by the Madras High Court (Extension of Jurisdiction to Coorg) Order, 1948, the Court of the Judicial Commissioner of Coorg was abolished and the jurisdiction of the High Court at Madras was extended to Coorg. The arrangement is not convenient to the Coorg litigant public, Bangalore being much nearer to Coorg than Madras and the official language of Coorg being the same as that of Mysore. In December 1951, the late Coorg Legislative Council passed by a majority a resolution recommending that the High Court of Mysore should be constituted as the High Court of Coorg. The proposal was accepted by the Government of Mysore and it has since received the support of the Council of Ministers of Coorg. The present Bill gives effect to the proposal.

KAILAS NATH KATJU.

NEW DELHI;
The 8th October, 1952.

BILL* NO. 105 OF 1952.

A Bill to provide for the levy and collection for a temporary period of an additional duty of excise on sugar.

BE it enacted by Parliament as follows :—

1. Short title and extent.—(*1*) This Act may be called the Sugar (Temporary Additional Excise Duty) Act, 1952.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "appointed day" means the 6th day of November, 1952 ;

(*b*) "sugar" means any form of sugar containing more than ninety *per cent* of sucrose, but does not include—

(*i*) *khandsari* sugar, that is to say, sugar in the manufacture of which neither a vacuum pan nor a vacuum evaporator is employed, and

*The President has, in pursuance of clause (1) of article 117 of the Constitution of India, recommended to the House of the People the introduction of the Bill.

(*ii*) *palmyra* sugar, that is to say, sugar manufactured from jaggery obtained by boiling the juice of the *palmyra* palm ;

(*c*) "finished sugar" means sugar fully manufactured and ready for marketing.

3. Levy and collection of additional duty of excise on certain forms of sugar.—(1) There shall be levied and collected in respect of all sugar manufactured on or after the appointed day in the territories to which this Act extends, and on all sugar lying in stock on the appointed day in any factory where sugar is manufactured or in any premises appurtenant thereto, a duty of excise at the rate of one rupee and six annas per cwt. :

Provided that no such duty shall be levied in respect of that quantity of finished sugar, if any, lying in stock in any such factory or premises on the appointed day which is in excess of the quantity of finished sugar manufactured in the factory before the appointed day from the sugar-cane crop commonly known as the 1952-53 sugar-cane crop.

(2) The duty of excise specified in sub-section (1) shall be in addition to the duty of excise chargeable on sugar under the First Schedule to the Central Excises and Salt Act, 1944 (I of 1944), and shall be levied and collected in the same manner as the duty of excise on sugar is levied and collected under that Act.

4. Power of Central Government to discontinue levy.—The Central Government may, by notification in the Official Gazette, declare that, with effect from such date as may be specified in the notification, the additional duty of excise leviable under this Act shall, for the reasons specified in the notification, cease to be levied in any specified area or on sugar generally or on sugar manufactured in a specified factory.

Declaration under the Provisional Collection of Taxes Act, 1931.

It is hereby declared that it is expedient in the public interest that the provisions of clause 3 of this Bill shall have immediate effect under the Provisional Collection of Taxes Act, 1931 (XVI of 1931).

STATEMENT OF OBJECTS AND REASONS.

The minimum price to be paid by vacuum-pan sugar factories for sugar-cane delivered at their gate during the 1952-53 season has been fixed by the Central Government at Rs. 1-5-0 per maund as against Rs. 1-12-0 per maund in 1951-52. With this substantial reduction in the price of sugar-cane, the internal consumer would naturally expect a reduction in the price of sugar also. It will not, however be possible to release for consumption the sugar produced from the 1952-53 low price cane until the controlled sugar of 1951-52 season produced from high price cane, has been nearly exhausted. The reason is that Government have guaranteed controlled prices for the 1951-52 sugar varying from Rs. 29-12-0 per maund to Rs. 34-14-0 per maund in different regions.

2. The carry-over of the 1951-52 stocks of controlled sugar with factories on the 30th November 1952 is estimated at about 4 lakhs tons, and will last for nearly 4 months more. *i.e.*, up to the end of March, 1953.

3. With a view, however, to giving speedy relief to the consumer, and facilitating transition from high-priced to low-priced sugar, the ex-factory price of 1951-52 sugar will be reduced when the new sugar generally becomes available for consumption. For the time being, however, the loss incurred by these reductions in prices on the 1951-52 sugar, which is estimated at Rs. 4·3 crores, is proposed to be recovered from the consumer by the levy of an additional excise duty of Rs. 1-6-0 per cwt. (*i.e.*, Re. 1 per maund) on all sugar of the 1952-53 season in stock with factories on the 6th November, 1952, or produced on or after that date. If the proposed levy is not imposed, the price of 1952-53 sugar would be about Rs. 6 to Rs. 7 per maund lower than the controlled rate of 1951-52. With the additional levy, this benefit to the consumer would be reduced by Re. 1 per maund. On the other hand, it would enable the issue price of the entire carry-over of the 1951-52 controlled sugar to be reduced, as quickly as possible, by Rs. 4 per maund on the average.

4. The present Bill gives effect to these proposals and also contains a provision whereby the additional duty may be discontinued in any case where the object of this Bill has been achieved.

C. D. DESHMUKH.

NEW DELHI,
The 25th October, 1952.

M. N. KAUL,
Secretary.

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